



November 4, 2003

## **Felon convicted of possessing a handgun**

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### **Joseph Benedetti, who fled after being indicted five years ago, could be sentenced as an Armed Career Criminal**

A federal jury has found **Joseph Benedetti**, of Johnston, guilty of being a felon in possession of a firearm that Rhode Island State Police found in his bedroom dresser in 1998. Benedetti, who was a fugitive for five years after being indicted by a federal grand jury, faces potential sentencing as an Armed Career Criminal, which would mean a minimum sentence of 15 years in federal prison.

The Office of the United States Attorney announced the guilty verdict, which the jury returned yesterday in U.S. District Court, Providence, after a five-day trial and three hours of deliberation. Benedetti, 56, formerly of 1139 Hartford Avenue, is detained at the Wyatt Federal Detention Center, Central Falls, pending sentencing, which is scheduled for January 23 before Chief U.S. District Court Judge Ernest C. Torres, who presided over the trial.

During the trial, Assistant U.S. Attorney Lee H. Vilker presented evidence that, in November 1998, Rhode Island State Police detectives executed a search warrant at Benedetti's apartment at 1139 Hartford Avenue. Among the items they seized was a .380 caliber handgun, which was found in a bedroom dresser drawer.

A federal grand jury subsequently charged Benedetti with being a felon in possession of a firearm. Upon learning of the indictment, Benedetti fled Rhode Island and remained a fugitive until last July, when Deputy U.S. Marshals arrested him in Florida. According to court

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documents, Benedetti had been living in Hallandale, Florida, under an assumed name.

The trial jury rejected a claim by the defense that the gun found in Benedetti's apartment didn't belong to him but to a friend who'd left the gun in the apartment. Assistant U.S. Attorney Vilker persuaded the jury that the defense's claim was not credible, citing statements made by Benedetti during the 1998 search and other evidence.

The government has filed an information citing three prior violent felony convictions on Benedetti's record – two for breaking and entering in 1968 and 1969, and a 1991 conviction for assault with a dangerous weapon. A defendant convicted of a firearms offense who has three or more prior violent felony or major drug convictions is considered an Armed Career Criminal.

If the Court makes the finding at sentencing that Benedetti is an Armed Career Criminal, he would be subject to a minimum sentence of fifteen years in federal prison. Ordinarily, the maximum sentence for being a felon in possession of a firearm would be ten years in federal prison. Benedetti's exact sentence will be determined on the basis of federal sentencing guidelines, which take into account such factors as the specific nature and impact of an offense and a defendant's criminal background.

Rhode Island State Police and the Bureau of Alcohol, Tobacco, Firearms and Explosives investigated the case, with assistance from Johnston Police. Assistant U.S. Attorneys Vilker is prosecuting it.